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FILED
DEC 05 2007
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [signature] DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	Mag. Case No. '07 MJ 8961
	COMPLAINT FOR VIOLATION OF:
v.	Title 8, U.S.C., Section 1324 (a)(1)(A)(ii) -Illegal Transportation of Alien(s)
Jose LEON-Ponce T.N. Jose Ponce-Leon	
Defendant	

PCL

The undersigned complainant, being duly sworn, states:

On or about December 4, 2007, within the Southern District of California, defendant Jose LEON-Ponce, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, Narciso VIDAL-Campos, Jesus CABRERA-Lopez and Saul MENDEZ-Morales had come to, entered or remained in the United States in violation of law, did transport or move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.

[signature]
Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 5th DAY OF DECEMBER 2007.

[signature]
Peter C. Lewis
United States Magistrate Judge

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UNITED STATES OF AMERICA

v.

Jose LEON-Ponce

STATEMENT OF FACTS

The complainant states that this complaint is based upon statements in the investigative reports by the apprehending officer, Border Patrol Agent M. Valdez that on December 4, 2007, the defendant Jose LEON-Ponce, a native and citizen of Mexico was apprehended near Calexico, California, as the driver of a brown 1992 Chevrolet Suburban bearing California license, 5YVJ191, as he smuggled 27 undocumented aliens in violation of law.

At approximately 04:50 a.m., the Calexico Border Patrol Station Remote Video Surveillance System (RVSS) camera operators advised agents that an SUV was starting to slowly drive north into the United States through the Imperial Sand Dunes and had reached the vehicle barriers, which are located south of Interstate 8. The RVSS Operators advised agents that 25 individuals were entering another full size sport utility vehicle which had pulled over on the side of Interstate 8. Once all of the individuals were in the vehicle the vehicle began to drive eastbound on Interstate 8. Shortly the vehicle made a U-Turn in the median and then began to travel westbound on Interstate 8.

BPA Valdez encountered a vehicle that matched the description of the vehicle that RVSS Operators had seen make a U-Turn in the median. BPA Valdez was unable to run vehicle records checks on the Blue SUV because there was an object obscuring his view of the license plate. BPA Valdez was able to drive next to the vehicle and noticed an older gray haired gentleman, later identified as Jose LEON-Ponce, wearing a blue shirt driving the vehicle. The Blue SUV slowed by 10 miles per hour and then began to pick up speed. BPA Valdez attempted to perform a vehicle stop on the SUV by activating his emergency lights and siren. The vehicle failed to yield to his emergency lights and siren. After following the vehicle for approximately 2 miles, a Controlled Tire Deflation Device was successfully deployed against the vehicle.

After driving approximately a quarter mile with a deflated tire the vehicle stopped. BPA Valdez immediately approached the driver's side and saw Jose LEON-Ponce sitting in the drivers' seat. BPA Valdez also saw numerous other individuals in the vehicle. BPA Valdez identified himself as a United States Border Patrol Agent and questioned all the individuals as to their immigration status to be in the United States. BPA Valdez determined that all of the individuals are citizens and nationals of Mexico illegally in the United States. LEON and the other 27 individuals were placed under arrest.

LEON was read his rights as per Miranda at 07:06 a.m. by BPA Diaz and witnessed by SBPA Scariano. LEON stated he is a citizen of Mexico illegally in the United States. LEON stated that he entered the United States illegally as a passenger in a vehicle drove into the United States from Mexico. LEON stated he and 27 other individuals entered a suburban and drove to the desert. LEON stated as the vehicle drove towards the desert one of the smugglers asked the 28 individuals if anyone was willing to drive to Brawley. The smuggler stated who ever volunteered to drive would not have to pay a smuggling fee. LEON volunteered to drive a vehicle to Brawley, California. LEON stated he told the smuggler at one point that he saw emergency lights behind him. The smuggler on the phone told him not to stop, to keep going. LEON stated he felt one of the tires on the vehicle go flat so he decided to stop.

Material Witnesses Narciso VIDAL-Campos, Jesus CABRERA-Lopez and Saul MENDEZ-Morales stated they are citizens of Mexico illegally in the United States. MENDEZ stated a friend made arrangements for him to be smuggled to Los Angeles illegally into the United States for a fee of $2,000. CABRERA stated his family made arrangements for him to be smuggled into the United States for a fee of $1,000. MENDEZ stated he made arrangements to be smuggled into the United States for a fee of $2,000.

The complainant states that the names of the Material Witnesses are as follows:

NAME	PLACE OF BIRTH
Narciso VIDAL-Campos	Mexico
Jesus CABRERA-Lopez	Mexico
Saul MENDEZ-Morales	Mexico

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Further, complainant states that Narciso VIDAL-Campos, Jesus CABRERA-Lopez and Saul MENDEZ-Morales are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.